

REMARKS

Claims 1-6 are pending. No new matter has been added by way of the present Amendment. For instance, claim 7 has been cancelled. Accordingly, no new matter has been added.

In view of the following remarks Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. §101

The Examiner has rejected claim 7 under 35 U.S.C. §101 asserting that the claimed recitation of a use without setting forth any steps involved in the process, results in an improper claim pursuant to 35 U.S.C. §101. Applicants respectfully traverse and submit that claim 7 has been cancelled. Accordingly, this rejection is moot. Reconsideration and withdrawal thereof are respectfully requested.

Allowable Subject Matter

At pages 2-3 of the outstanding Office Action the Examiner has indicated that claims 1-6 are allowable. Since claims 1-6 are the only pending claims, the Examiner is respectfully to withdraw all rejections and allow the present application.

Request for Initialed Form PTO-1449 Submitted on March 21, 2005

Applicants respectfully thank the Examiner for returning initialed copies of the forms listing references attached to Information Disclosure Statements. However, the Form PTO-1449 attached to the Information Disclosure Statement of March 21, 2005, does not include initials

next to the “Colby, WEEDS (1967)” reference. The Examiner is therefore respectfully requested to provide Applicants with an initialed copy indicating that the “Colby” reference has been properly considered. To aid the Examiner in this regard, Applicants have enclosed the partially initialed Form PTO-1449 which accompanied the March 21, 2005 Information Disclosure Statement.

In view of the above, Applicants respectfully submit that the present application is in condition for allowance. Accordingly, a Notice of Allowability is respectfully solicited.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.


Application No. 10/518,445
Amendment dated December 8, 2005
Reply to Office Action of September 22, 2005
Page 6 of 6

Docket No.: 5000-0112PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 8, 2005

Respectfully submitted,

By  #42.874
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